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13 NETFLIX, INC.  
14 CHERNIN ENTERTAINMENT, LLC  
15 WISE ENTERTAINMENT, INC.  
16 LAKE ELLYN ENTERTAINMENT, INC.  
17 SPRINGHILL ENTERTAINMENT LLC  
18 LEBRON JAMES  
19 STERLIN HARJO  
20 SYDNEY FREELAND

21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 ROB GRABOW, an individual;  
24 PARADISE VALLEY PICTURES  
25 LLC, a Montana limited liability  
26 company,

Plaintiffs,

v.

27 NETFLIX, INC., a Delaware  
28 corporation; LEBRON JAMES, an  
individual; SPRINGHILL  
ENTERTAINMENT LLC, a Delaware  
limited liability company; CHERNIN  
ENTERTAINMENT, LLC, a Delaware  
limited liability company; WISE  
ENTERTAINMENT, INC., a California  
corporation; LAKE ELLYN  
ENTERTAINMENT, INC., a California  
corporation; STERLIN HARJO, an  
individual; SYDNEY FREELAND, an  
individual; BRIT HENSEL, an  
individual; and DOES 1-20, inclusive,

Defendants.

Case No. 2:24-cv-09822-FLA-PDx

**NETFLIX DEFENDANTS'**  
**NOTICE OF MOTION AND**  
**MOTION FOR LEAVE TO FILE**  
**EARLY SUMMARY JUDGMENT**  
**MOTION AND TO BIFURCATE**  
**DISCOVERY ON PRIOR**  
**INDEPENDENT CREATION**  
**DEFENSE**

**Judge:** Hon. Fernando Aenlle-Rocha

**Hearing Date:** April 4, 2025

**Hearing Time:** 1:30 p.m.

**NOTICE OF MOTION AND MOTION**  
**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF  
RECORD:**

4 PLEASE TAKE NOTICE that on April 4, 2025, at 1:30 p.m., or as soon  
5 thereafter as the matter may be heard, in Courtroom 6B of this Court, located at the  
6 First Street Courthouse at 350 W. 1st Street, Los Angeles, California 90012, before  
7 the Honorable Fernando L. Aenlle-Rocha, Defendants Netflix, Inc.; Chernin  
8 Entertainment, LLC; Wise Entertainment, Inc.; Lake Ellyn Entertainment, Inc.;  
9 SpringHill Entertainment LLC; LeBron James; Sterlin Harjo; and Sydney Freeland  
10 (collectively, the “Netflix Defendants”) will and hereby Move for Leave to File an  
11 Early Summary Judgment Motion and to Bifurcate Discovery on their Prior  
12 Independent Creation Defense. Specifically, and as explained in the Netflix  
13 Defendants’ concurrently filed Memorandum of Points and Authorities, the Netflix  
14 Defendants ask the Court to consider their prior independent creation defense as a  
15 threshold matter because it is discrete and case-dispositive, and therefore, the  
16 interests of justice and efficiency are best served by staging discovery and summary  
17 judgment motions to allow the Court to consider it before all other issues in the  
18 case. To that end, the Netflix Defendants ask the Court to bifurcate discovery and  
19 grant them leave to file an early summary judgment motion on the prior  
20 independent creation defense, while preserving their right to file a summary  
21 judgment motion on the merits generally at the close of discovery, if necessary.

22 The Netflix Defendants' motion is based upon this Notice of Motion, the  
23 accompanying Memorandum of Points and Authorities, the Declaration of Molly  
24 Lens and the exhibits thereto, all pleadings and papers on file in this action, and  
25 such other arguments and evidence as may be presented to the Court prior to or at  
26 the hearing on this matter.

27 This Motion is made following the conference of counsel pursuant to L.R. 7-  
28 3, which took place on January 24, 2025.

1 Dated: March 7, 2025

O'MELVENY & MYERS LLP

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3 By: /s/ Molly M. Lens

4 Molly M. Lens

5 Attorneys for Defendants

6 NETFLIX, INC.

7 CHERNIN ENTERTAINMENT, LLC

8 WISE ENTERTAINMENT, INC.

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